

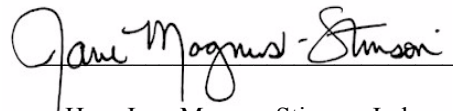
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

ROBERT V. LEIMKUEHLER, as trustee and on	)	
behalf of Leimkuehler, Inc., Profit Sharing	)	
Plan,	)	
<i>Plaintiff,</i>	)	
	)	
vs.	)	1:10-cv-0333-JMS-TAB
	)	
AMERICAN UNITED LIFE INSURANCE COMPA-	)	
NY,	)	
<i>Defendant.</i>	)	

**ORDER**

Presently before the Court is the Plaintiff's Motion to Certify Class, [dkt. 91], which the Court now **DENIES AS MOOT** given the Court's entry of summary judgment in favor of the Defendant. *See Lady Di's, Inc. v. Enhanced Servs. Billing, Inc.*, 654 F.3d 728, 730 (7th Cir. 2011) ("[B]ecause we reject plaintiff's theory of the case..., we affirm the district court's denial of class certification because common issues do not predominate over individual issues, as required for a class under Federal Rule of Civil Procedure 23(b)(3).").

01/05/2012



Hon. Jane Magnus-Stinson, Judge  
United States District Court  
Southern District of Indiana

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